

ORIGINAL**In the United States Court of Federal Claims****FILED**

MAR - 9 2017

U.S. COURT OF
FEDERAL CLAIMS


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**BLACK SWAG TRUST, c/o DAVID
ANTHONY AVERY,****Plaintiff,****v.****UNITED STATES,****Defendant.**

* * * * *

No. 17-212C**Filed: March 9, 2017****ORDER**

On February 10, 2017, pro se plaintiff Black Swag Trust filed a complaint with this court in the above-captioned case. On February 17, 2017, the Clerk's Office sent a letter to David Anthony Avery, which stated in part, "[d]espite not receiving the required filing fee, your complaint was filed in The United States Court of Federal Claims on February 10, 2017. Please submit the filing fee of \$400.00, or complete and return the enclosed application to proceed in forma pauperis." On March 6, 2017, plaintiff mailed the February 17, 2017 letter back to the Clerk's Office with a handwritten notation: "This suit was to be filed only if the court would agree to move this case until the final disposition is entered. If this court will not move this case without the pre paid filing fee, then the plaintiff will re-file on a later date. Plaintiff will not proceed in forma pauperis. Disregard the filing." Although plaintiff's March 6, 2017 submission does not meet the requirements of a filing in this court pursuant to the Rules of the United States Court of Federal Claims (RCFC), the court instructs the Clerk's Office to **FILE** plaintiff's March 6, 2017 submission. The Rules do not provide for deferring the payment of the filing fee until the disposition of the case. Therefore, pursuant to plaintiff's request, plaintiff's complaint is **DISMISSED** without prejudice. The Clerk's Office shall enter **JUDGMENT** consistent with this Order.

IT IS SO ORDERED.

MARIAN BLANK HORN
 Judge

 7014 1200 0000 9093 6798 Trust

Black Swag

 7014 1200 0000 9093 6781

David Avery